

REMARKS

Claims 20-22, 24-27 and 29 have been amended without prejudice or disclaimer. Sixteen (16) claims are pending and remain for consideration. Favorable reconsideration of the pending claims is respectfully requested.

IN THE CLAIMS

Allowable Subject Matter

In an advisory dated May 20, 2005, the Examiner indicated that claims 12-13, 19 and 20 were allowed. Applicants acknowledge that, although claim 19 remains allowed, the allowance of claims 12-13 and 20 has been withdrawn in view of newly discovered references, as set forth hereinbelow.

35 U.S.C. § 112 (Second Paragraph)

Claim 20 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failure to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Examiner indicates that the recitation of "the pressure-distributing medium" in claim 20 has insufficient antecedent basis. Without further guidance, Applicants assume that the recitation of the limitation "the pressure-distributing medium" in the preamble of the claim is the basis of the rejection. This limitation has been amended to read "a pressure-distributing medium", which should overcome the rejection under 35 U.S.C. §112. Favorable reconsideration of the claim in this regard is respectfully requested.

35 U.S.C. § 102

Claims 12 and 20-33 are rejected under 35 U.S.C. § 102, as being anticipated by U.S. Patent No. 6,901,617, issued to Sprouse. Claim 12 has been canceled. Claims 21-24 and 27-29, by this amendment, depend from claim 13, which is believed to be patentable for reasons set forth below. The rejection of claims 25 and 26 is respectfully

traversed for reasons set forth below. The rejection of claims 30-33 is respectfully traversed because these claims depend from claim 19, which has been allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

*Verdegaal Bros. v Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the claim. *Richardson v Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the applicant's claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

Claim 20 has been amended to recite a method comprising the steps of providing a cushion cover having a pocket with a first portion of a hook-and-loop type fastener in the pocket and providing a pressure-distributing medium with a second portion of a hook-and-loop type fastener. The pressure-distributing medium is secured to the inside of the pocket by mating the first and second portions. Sprouse fails to disclose the steps as set forth in claim 20. Consequently, claim 20 should be allowable as amended. Favorable reconsideration of claim 20 is respectfully requested.

Claim 25 recites a seat cushion having cover with a pocket therein, wherein the pocket has an opening that is at a front end thereof. Sprouse fails to disclose such a pocket. Instead, Sprouse discloses a pocket with an opening that is at a rear end thereof. Since Sprouse fails to disclose a pocket as set forth in claim 25, claim 25 should be allowable as presented. Favorable reconsideration of claim 25 is respectfully requested.

Claim 26 recites a seat cushion having cover with a pocket therein, wherein the pocket is closed along rear and lateral sides of the cover. Sprouse fails to disclose such a pocket. Instead, Sprouse discloses a pocket that is open along rear and lateral sides of the cover. Since Sprouse fails to disclose a pocket as set forth in claim 26, claim 26 should be allowable as presented. Favorable reconsideration of claim 26 is respectfully requested.

35 U.S.C. § 103

Claim 13 is rejected under 35 U.S.C. § 103, as being unpatentable over Sprouse in view of U.S. Patent No. 5,395,162, issued to Jay et al. This rejection is respectfully traversed.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Claim 13 is directed to a cushion cover having a first fastening element affixed to a top surface of a piece of fabric and a second fastening element affixed to a bottom of a pressure-distributing medium. The first and second fastening elements are adapted to be secured together to hold the pressure-distributing medium firmly in a pocket.

Neither Sprouse nor Jay teach or suggest a cushion cover having a first fastening element affixed to a top surface of a piece of fabric and a second fastening element affixed to a bottom of a pressure-distributing medium, wherein the first and second fastening elements are adapted to be secured together to hold the pressure-distributing medium firmly in a pocket. In the absence of such a teaching or suggestion, claim 13 should be allowable as presented.

Claims 21-29 depend from claim 13 and should be allowable for at least the same reason(s) as claim 13, as set forth above.

In view of the amendments and above remarks, it is believed that the application is in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested.